

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
vs. )  
 ) Mag. No. 1:12-MJ-320  
JOSE ANTONIO CHACON ARRITA )  
JOSE RAUL RODRIGUEZ VILLEGAS )  
EVELIO SANTIAGO MARCIANO )

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on October 12, 2012. Those present included:

- (1) AUSA Jay Woods for the United States of America.
- (2) The defendant, JOSE ANTONIO CHACON ARRITA.
- (3) Attorney Norman Lipton for defendant ARRITA.
- (4) The defendant, JOSE RAUL RODRIGUEZ VILLEGAS.
- (5) Attorney John McDougal for defendant VILLEGAS.
- (6) The defendant, EVELIO SANTIAGO MARCIANO.
- (7) Attorney Giles Jones for defendant MARCIANO.
- (8) HSI Special Agent G. David Nalley.
- (9) Deputy Clerk Barbara Lewis.
- (10) Court Reporter Shannan Andrews.

Upon being sworn the defendants were informed or reminded of their privilege against self-incrimination accorded them under the 5th Amendment to the United States Constitution.

The defendants acknowledged having received a copy of the Criminal Complaint. It was determined they were capable of being able to understand these proceedings with the aid of Spanish Interpreter Richard M. Singer.

AUSA Woods moved the court the defendants be detained without bail. All defendants waived their detention hearings.

Preliminary Hearing - Proof

AUSA Woods called HSI Special Agent G. David Nalley as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

### Findings

Having heard and considered the testimony of the Agent Nalley during the preliminary hearing and the Affidavit/Complaint, the undersigned finds:

(1) There is probable cause to believe that there has been a violation of 8 U.S.C. § 1326, re-entry of a previously removed alien without receiving permission to re-enter, committed in the Eastern District of Tennessee.

(2) The proof the defendants committed the aforesaid offense is strong.

### Conclusions

It is ORDERED:

(1) The defendants are held to answer the charges against them in the District Court.

(2) The defendants' next appearance shall be before a U.S. Magistrate Judge at **3:00 pm on Monday, October 29, 2012.**

ENTER.

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE